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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,568	05/19/2005	Roberto Sammartin	C&P-145US	7458
23122	7590	09/10/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			ROSS, DANA	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			3722	
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			09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary

Application No.

10/535,568

Applicant(s)

SAMMARTIN ET AL.

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,7 and 9-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/19/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Examiner notes the substitute specification and abstract filed 2 May 2006 has been entered. No new matter was incorporated.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 8, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 4,782,567 (Kanaya et al.).

Kanaya teaches a machining line 10, wheel stocker 12, pick-up robot 14, transfer device 16, plural machining stations with loading robots, transfer device 16 (see col. 4, lines 48-63), turning means (see col. 3, lines 20-24 and col. 8, lines 28-62, for example), plural machining units 320a with turret tool holders 336a which include boring (drilling) tools (see col. 9, lines 36-56, for example)

Regarding claims 1 and 8, in the event that Applicant asserts that a boring does not include the use of a drill, Applicant is referred to the below 103 obvious rejection which expressly discloses that it is well known in the art to have machine tools of the type employed for drilling, boring, facing and similar operations.

Regarding claims 17 and 18, it is further noted that Kanaya teaches the machining of wheels. It is further noted that the limitations of the material of the wheel being made of an

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“alloy” is directed towards the intended use of the machine on a particular material of a workpiece, not the structure of the equipment for mechanical machining of workpieces.

In the event Applicant asserts that the limitations of the alloy wheel provides for limitations for the structure of the machine, Applicant is referred to the below 103 obvious rejection as to the use of different materials.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaya.

Kanaya teaches all aspects of claims 1 and 8 as discussed above.

Kanaya teaches the machining of wheels but does not expressly disclose the workpieces are “alloy wheels”.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the machining equipment as taught by Kanaya on alloy wheels or any other material wheels, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In this instance, it would be obvious to use the machining equipment of Kanaya to machine alloy wheels to increase their product base and increase the production capability in the supply of wheels.

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6. Claims 1, 5, 8, 17 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaya in view of US Pat. No. 1,838,995 (Johnson et al.).

Re Claims 1, 5 and 8 - See above 35 USC 102(b) rejections.

Re Claims 17 and 18, see above 35 USC 103(a) rejections.

In the event that Applicant does not agree that the machining operation of boring includes a drilling tool, Johnson expressly discloses that it is well known in the art to have machine tools which commonly employ one or more tool-carrying spindles with drilling, boring, facing and similar tools (see col. 1, lines 1-13, for example).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the generic boring operation of Kanaya to include various well known machining tools as taught by Johnson including drilling, boring, facing and similar operations for the purpose of having a machine tool that is capable of rapid and easy adjustment and having a low manufacturing cost (see Johnson, col. 1, lines 14-49, for example).

Allowable Subject Matter

7. Claims 2-4, 6, 7 and 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Primary Examiner
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